

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

1) MEDICAL ARTS DEVELOPMENT, INC.,

Plaintiff,

v.

Case No. _____

1) THE TRAVELERS INDEMNITY
COMPANY OF AMERICA,

Defendant.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 & 1446(a) and LCvR 81.2, Defendant The Travelers Indemnity Company of America (hereinafter "Defendant"), hereby gives notice of the removal of the above-captioned action from the District Court of Cleveland County, Oklahoma to this Court. In support of this Notice of Removal, the Defendant states as follows:

1. On January 10, 2013, Plaintiff Medical Arts Development, Inc. filed a Petition in the District Court of Cleveland County, Oklahoma against the Defendant The Travelers Indemnity Company of America. Plaintiffs are citizens of the State of Oklahoma. Defendant is a foreign corporation doing business in the State of Oklahoma. On its face, Plaintiffs' Petition sought actual damages and punitive damages in excess of \$75,000. Plaintiffs' Petition does not request a jury trial.

2. Defendant was served with the Summons and Petition through the Insurance Commissioner of the State of Oklahoma as the designated agent for service of process of foreign insurance companies doing business in the State of Oklahoma, on January 23, 2013.

3. Defendant hereby serves Notice of Removal of this action pursuant 28 U.S.C. § 1446(b). This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §1332 because Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000.00.

4. A copy of the docket sheet, all process, pleadings, papers, and orders served in the State Court action are attached to this Notice of Removal as Exhibits 1, 2, 3 and 4, as required by 28 U.S.C. § 1446(a) and LCvR 81.2.

5. Defendant has filed a copy of this Notice of Removal with the District Court for Cleveland County, as required by 28 U.S.C. § 1446(d) and LCvR 81.2. A copy of the Notice to be filed in the Oklahoma State Court is attached hereto as Exhibit 5.

WHEREFORE, Defendant hereby removes the above-captioned action now pending in the District Court of Cleveland County, Oklahoma to this Court.

DATED this _____ day of February, 2013.

Respectfully submitted,

**TAYLOR, BURRAGE, FOSTER, MALLETT, DOWNS,
RAMSEY & RUSSELL, A Professional Corporation**

/s/ Darrell W. Downs, OBA #12272

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Attorneys for Defendant

CERTIFICATE OF SERVICE

☒ I hereby certify that on the _____ day of February, 2013, I electronically transmitted the attached document to the Clerk of the Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Douglas J. Shelton, OBA #8159
Shelton Voorhees Law Group
7701 S. Western Ave., Suite 201
Oklahoma City, OK 73139

☐ I hereby certify that on the _____ day of _____, 2013, I served the attached document by U.S. Mail, postage prepaid, on the following, who are not registered participants of the ECF System:

/s/ Darrell W. Downs, OBA #12272